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CPA-1623  
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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

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Only for Continuation or Divisional applications under 37 CFR 1.53(d)

APR 26 2001

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Typed or Printed Name: Vincent M. Diaz

Signed: *VMD*

Address to:	Box CPA Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket No.	A-67412/RFT/RMS/RMK
		First Named Inventor	MEADE, et al.
		Examiner Name	L. E. Crane
		Group/Art Unit	1623
		Express Mail Label No.	EL 758644502US

This is a request for ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/192,167  
filed on November 13, 1998, entitled **METHODS OF MAKING MODIFIED NUCLEOSIDES**

**NOTES**  
**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371.  
**A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.**  
**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).  
**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.  
**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.  
**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

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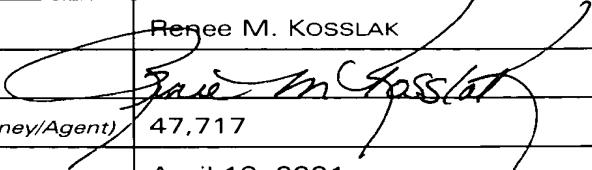
710.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
Total Claims (37 C.F.R. § 1.16(c) or (j))		14 - 20 =	0	X \$ 18	\$ 0
Independent Claims (37 C.F.R. § 1.16(b) or (i))		2 - 3 =	0	X \$ 80	\$ 0
Multiple dependent claims (if applicable) (37 C.F.R. § 1.16(d))				+ \$ 270	\$ 0
				BASIC FEE (37 C.F.R. § 1.16)	\$ 710
				TOTAL OF ABOVE CALCULATIONS =	\$ 710
Reduction by 50% for filing by small entity. (Note 37 C.F.R. §§ 1.9, 1.27, & 1.28.)					\$ 0
				TOTAL =	\$ 710

6. Small entity status: applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1300 (Order No. A-67412/RFT/RMS/RMK):
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
- c. ☐ Fees required under 37 C.F.R. § 1.18.
8. ☒ Check no. 35342 for \$710.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed as check no. \_\_\_\_\_.
11. ☐ New Attorney Docket Number, if desired  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A).
- b. ☒ Return Receipt Postcard (Should be specifically itemized. See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

14. NEW CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label		(Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/> New correspondence address below	
Name					
Address					
City		State	Zip Code		
Country		Telephone	Fax		

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Renee M. KOSSLAK
Signature	
Registration No. (Attorney/Agent)	47,717
Date	April 19, 2001



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Attorney Docket No.: A-67412/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: L. E. Crane  
)  
MEADE, et al. ) Group: 1623  
)  
Serial No.: 09/192,167 )  
)  
Filed: November 13, 1998 )  
)  
For: METHODS OF MAKING )  
MODIFIED NUCLEOSIDES )

"EXPRESS MAIL" MAILING LABEL"

NUMBER EL 758644502US

DATE OF DEPOSIT April 19, 2001

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DATE INDICATED ABOVE AND IS ADDRESSED TO:  
ASSISTANT COMMISSIONER FOR PATENTS,  
WASHINGTON, DC 20231.

TYPED NAME Vincent Diaz

SIGNED VM DiazPRELIMINARY AMENDMENT

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

This preliminary amendment accompanies the filing of a continuing prosecution application under 37 C.F.R. § 1.53(d). The preliminary amendment is directed to the Final Office Action dated April 20, 2000. A notice of appeal was filed on October 19, 2000. The continuing prosecution application is accompanied by a four month extension of time and is submitted on or before the date of April 19, 2001, making this a timely response.

Please amend the above-identified application as follows:

In the Claims:

Please cancel claim 12.

Please amend the following claims: